

**REMARKS**

This Amendment is responsive to the Office Action dated July 8, 2004. Claims 1-25 were pending in the application. In the Office Action, claims 1-25 were rejected. In this Amendment, claims 1, 6, 23 and 25 have been amended. Claims 1-25 thus remain for consideration.

Applicants submit that claims 1-25 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

**In the Specification**

The disclosure was objected to because of informalities.

Applicants have amended the disclosure as suggested by the Examiner and submit that the disclosure is now in compliance with all formality requirements.

**Abstract**

The abstract has been amended and is now believed to be in compliance with all formality requirements.

**§112 Rejections**

Claim 6 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants have amended claim 6 and believe that the claim as amended is in compliance with §112. Accordingly, Applicants request that the rejection under §112 be withdrawn.

§102 and §103 Rejections

Claims 1, 2 and 22-25 were rejected under 35 U.S.C. §102(e) as being anticipated by Rinne (U.S. Patent No. 6,549,753).

Claims 3-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rinne in view of Steele et al. (U.S. 2002/0046084).

Applicants respectfully submit that the independent claims (claims 1, 23 and 25) are patentable over Rinne and Steele.

Applicants' invention as recited in the independent claims is directed toward a method to transmit an information service, a method to receive an information service and a receiver for receiving an information service. Each of the claims recites that each of categories representing the information service are fragmented to create data fragments. Each of the claims further recites that "at least one of said data fragments includes information that changes more frequently than information included in at least one other of said data fragments."

Neither Rinne nor Steele discloses transmission or reception of an information service wherein each of categories representing the information service are fragmented to create data fragments and at least one of the data fragments includes information that changes more frequently than information included in at least one other of the data fragments. Accordingly, Applicants believe that claims 1, 23 and 25 are patentable over Rinne and Steele – taken either alone or in combination – on at least this basis.

Furthermore, since dependent claims inherit the limitations of their respective base claims, dependent claims 2-22 and 24 are believed to be patentable over Rinne and Steele for at least the same reasons discussed in connection with the independent claims.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

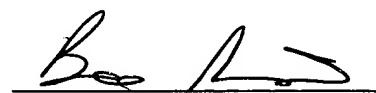
The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Bruno Polito  
Reg. No. 38,580  
(212) 588-0800